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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/802,234

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Brian Burdick

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07/26/2005

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EXAMINER

PAYNE, SHARON E

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 07/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/802,234

Applicant(s)

BURDICK, BRIAN

Examiner

Sharon E. Payne

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>0304</u> .  | 6) <input type="checkbox"/> Other: ____                                     |

## DETAILED ACTION

### *Specification*

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details. *In this case the abstract is more than 150 words.*

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

### *Claim Objections*

2. Claims 1-5 are objected to because of the following informalities: the phrase "ac to dc converter" should be "AC to DC converter" in line 3 of claim 1; and 2) the word "ac" should be "AC" in line 4 of claim 1.

3. Claim 2 is objected to because of the following informality: the word "as" should be "AC" in line 1. Appropriate correction is required.

4. Claims 3-5 are necessarily included due to their dependency.

### *Claim Rejections - 35 USC § 103*

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6 Claims 1 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lau et al. (U.S. Patent 6,431,719) in view of Parker et al. (U.S. Parker 3,322,992).

Regarding claim 1, Lau et al. discloses a translucent body (reference number 40) with a light emitting diode (LED, column 2 in lines 5-15), and AC to DC converter (Fig. 2, reference number 90) disposed in the body (column 2, lines 8-15) and connected at one end to the LED (Fig. 2) and at the other end to leads (portion to the left of the AC to DC converter, Fig. 2) that extend from the AC to DC converter to the outside of the body for contacting an AC source (Fig. 2). Lau et al. does not disclose a resin body.

Parker et al. discloses a translucent resin body (reference number 15).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the resin of Parker et al. in the apparatus of Lau et al. to provide a product producing more light while having less volume, thus using a smaller bulb for the desired light output (column 4, lines 33-37, of Parker et al.).

Concerning claim 5, Lau et al. discloses the leads being connected to a pair of prongs or a screw connector for screw attached to a threaded electrical receptacle (prongs, reference number 60).

7 Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lau et al. in view of Parker et al. as applied to claim 1 above, and further in view of Beeman (U.S. Publication 2002/0159258 A1).

Regarding claim 2, Lau et al. and Parker et al. do not disclose a full wave bridge. Beeman discloses the AC to DC converter comprising a full wave bridge (paragraph 0016).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the full wave bridge of Beeman in the apparatus of Lau et al. and Parker et al. to

operate a *group* of LEDs "in unison and . . . with the same current level[.]" (paragraph 0016 of Beeman), thus creating a pleasing aesthetic effect (end of paragraph 0015 of Beeman).

8. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lau et al. in view of Parker et al. as applied to claim 1 above, and further in view of Gillette (U.S. Patent 4,912,609).

Regarding claim 3, Lau et al. discloses the LED for the reasons noted in the analysis of claim 1. Lau et al. and Parker et al. do not disclose a name plate. Gillette discloses a name plate operatively associated with the light source for illuminating indicia on the name plate (Figs. 1 and 2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the name plate of Gillette in the apparatus of Lau et al. and Parker et al. to personalize a night light, thus achieving a desired decorative effect. See the abstract of Gillette.

9. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lau et al. in view of Parker et al. as applied to claim 1 above, and further in view of Hoberman et al. (U.S. Patent 5,015,994).

Regarding claim 4, Lau et al. and Parker et al. do not disclose a safety tang. Hoberman et al. discloses a safety tang (Fig. 1, portion by hole 16) extending from the body and having an opening (reference number 16) for receiving a fixture screw (Fig. 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the safety tang of Hoberman et al. in the apparatus of Lau et al. and Parker et al. to enable one to attach the night light more securely to the electrical outlet. See Fig. 1 of Hoberman et al.

***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharon E. Payne whose telephone number is (571) 272-2379. The examiner can normally be reached on regular business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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